

BARNSTABLE, ss

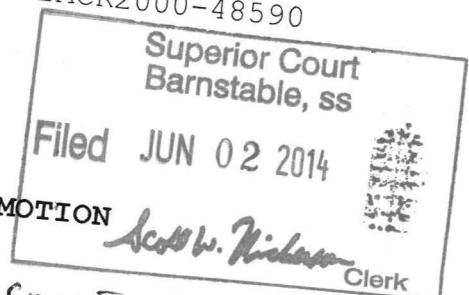
COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE SUPERIOR COURT  
DOCKET NO: BACR2000-48590

COMMONWEALTH )  
 )  
 v. )  
 )  
 CHARLES ROBINSON )

DEFENDANT'S AMENDED MOTION  
FOR A NEW TRIAL

Pursuant to Superior Court Rule 61A(c) the  
Commonwealth is directed to file its



Pursuant to Mass. R. Crim. P. 30, and in accordance with ~~opposition~~  
the Court's March 16, 2011, Order, the Defendant, Charles  
Robinson, moves the court to issue an order reversing his  
conviction and granting a new trial.

*Allen J*

The Defendant furthermore moves for an evidentiary hearing *4/15/14*  
on his motion for new trial which raises a substantial issue  
regarding his lack of legal competency at the time of trial.

See Commonwealth v. Chatman, 466 Mass. 327 (2013).

As reasons therefor:

1. The Defendant's conviction must be vacated and a new trial ordered because the Defendant was not legally competent to stand trial at the time of his trial. Consequently, the Defendant's conviction is a miscarriage of justice that violates the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article Twelve of the Massachusetts Declaration of Rights. See Commonwealth v. Simpson, 428 Mass. 646, 649 (1999); Commonwealth v. Chatman, 466 Mass. 327 (2013); Dusky v. United States, 362 U.S. 402 (1960); Droe v. Missouri, 420 U.S. 162, 171-72 (1975).
2. On March 16, 2011, the Court ordered that no further action would be taken on Mr. Robinson's prior motions for new

trial and directed Counsel to file amended pleadings supported by an affidavit or report of an appropriate mental health professional.

3. The Defendant is filing herewith under seal an eleven (11) page expert report of his forensic psychologist Richard S. Ebert, Ph.D. dated April 12, 2014. Dr. Ebert concludes his report by opining to a reasonable degree of psychological certainty that Mr. Robinson was not competent at the time of his trial and conviction. Dr. Ebert's opinion is based in part on a review of the Defendants extensive medical record, prior expert reports, Dr. Ebert's own interviews with the Defendant, and psychological testing. Dr. Ebert's findings, opinions and conclusions are hereby incorporated by reference.
4. Upon sober reflection, if a new trial is not ordered, the Defendant's conviction will perpetuate manifest injustice. See Mass. R. Crim. P. 30.

**Wherefore**, the Defendant moves that his Amended Motion for a New Trial be allowed.

By his Attorney,

*Joseph F. Krowski*  
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Dated: May 20, 2014  
m:cri\robinson.amended.mtn.newtrial

**CERTIFICATE OF SERVICE**

I, Joseph F. Krowski, Esquire, hereby certify that I have this 20<sup>th</sup> day of May, 2014, served a copy of the Defendant's Amended Motion for a New Trial on Julia K. Holler, ADA, Barnstable County District Attorney's Office, 3231 Main Street, P.O. Box 455 Barnstable, MA 02630 by first class mail postage prepaid.

*Joseph F. Krowski*  
JOSEPH F. KROWSKI, ESQUIRE